



U.S. Fish and Wildlife Service

Stakeholder Perspective: NRDA and Restoration Activities in the Great Lakes Region

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Overview



- Who are we? Where are we?
- What can we offer?
- What challenges and opportunities do we confront?
- What do stakeholders need from others involved?
- How might we improve the response and NRDA process?





National Wildlife Refuges



Protecting Endangered Species



Managing and Protecting Fish



Studying Fish and Wildlife

Grants for Habitat Restoration



Helping Other Agencies
Protect Fish, Wildlife
and Ecosystems



Protecting Migratory Birds



The Service in the Great Lakes

- Region 3 and Region 5
- Refuges, PLO, WMD
- Hatcheries, FRO
- Law Enforcement
- Ecological Services
 - Contaminants
 - Endangered Species
 - Federal Projects



<http://midwest.fws.gov/>

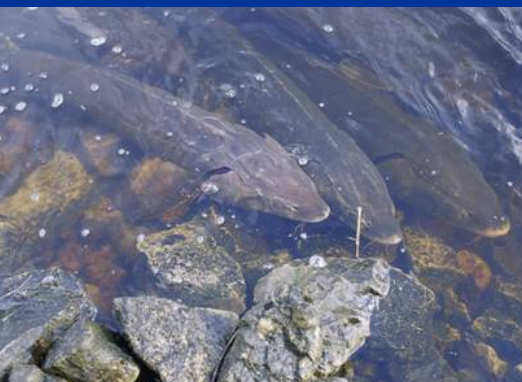
<http://northeast.fws.gov/>



Trust Resources



- Service lands
- Federal threatened and endangered species
- Migratory birds
- Interjurisdictional and certain anadromous fish species
-including their supporting ecosystems



40 CFR 300.600(b), (b)(2), (b)(3)



Environmental Contaminants

- 1-3 people per state
- Prevention, Identification, Restoration
- Assistance to Service and others
- Activities
 - Investigations and monitoring
 - Spill prevention planning & response
 - CWA and ESA coordination/consultation
 - Refuges: pre-acquisition surveys, CAPs, PUPs, cleanups
 - Technical assistance on hazardous waste sites
 - NRDA



What can we offer?



- Knowledge and experience with our trust resources
 - Local field offices
 - Vehicles, boats, sampling equipment
- Staff with specific training in toxicology and restoration in every state
- Knowledge and experience with the NRDA process, especially under the DOI rules for CERCLA sites (43 CFR 11)
- Access to regional and national networks of Service and DOI practitioners
- Access to DOI NRDAR Fund
 - Assessment costs (cost recoverable)
 - Restoration (interest-bearing, well-managed)



Restoration Partnership Opportunities

- North American Wetland Conservation Act
- Partners for Fish and Wildlife
- Coastal Program
- Pittman-Robertson grants to states
- Refuges
- Fisheries Resource Offices
- Fish hatcheries
- Great Lakes Legacy Act grant recipients



What challenges and opportunities do we confront?

- We approach cases with essential elements in mind:
 - Coordination
 - Legal considerations
 - Reasonable approach
 - Credible science
 - Appropriate restoration (amount and type)
 - Restored resources



What challenges and opportunities do we confront?

- We are guided by the NRD rules (CERCLA or OPA) in meeting these essential elements on a case-by-case basis
 - Coordination → Preassessment Screen, NOI
 - Legal considerations → work with our solicitors, DOJ
 - Reasonable approach → Assessment Plan and PED
 - Credible science → Injury determination reports
 - Appropriate restoration → Restoration and Compensation Determination Plan (RCDP)
 - Restored resources → Restoration Plan
- We fulfill these objectives in a transparent manner so public can understand what we are doing and why.



What challenges and opportunities do we confront?

- More opportunities than staff
- Prioritize sites to maximize effectiveness
 - Trust resources impacted
 - Tribal resources impacted, assistance requested
 - Restoration opportunities
 - Likelihood of success
 - PAS criteria
 - Legal and technical strength of case
 - Timing and momentum
 - Service is value-added



What do stakeholders need from others involved?

- Communication, communication, communication
- Commitment of individuals involved
- Broad perspectives and ranges of experience
- Agreements on fundamental data before interpretation
 - Quality standards
 - Shared database



How might we improve the response and NRDA process?

- Continue to move toward early involvement of trustees in RI/FS stages
 - Efficiency in data collection
 - Development of remedial alternatives that minimize needs for additional restoration
- Be aware that BTAG does not equal NRDA
 - Service may provide technical assistance to EPA e.g. ERA
 - EPA should know that this doesn't fulfill EPA's coordination responsibilities to the Service under NRDA provisions of CERCLA or to the Service under our other authorities, e.g. Endangered Species Act, Migratory Bird Treaty Act, Refuge Act.



How might we improve the response and NRDA process?

- During negotiations with response agencies, trustees, PRPs...develop a purpose statement for the negotiations.
- Recognize that response and restoration activities will occur within a larger community of activities.
- Improve agreement mechanisms for solutions that efficiently integrate response and restoration.
 - The best remedy – restoration global solution may include response elements qualitatively different from what might have been the “best” stand-alone response action (but would have had greater NRD consequences).



Summary



- The Service's R3 and R5 have local NRD expertise and resources combined with regional and national perspectives.
- For NRD Assessments we are guided by NRD rules and emphasize essential objectives:
 - Coordination
 - Legal considerations
 - Reasonable approach
 - Credible science
 - Appropriate restoration (amount and type)
 - Restored resources
- For NRD Restoration we can partner with others to leverage success.
- For success, stakeholders need to communicate early and often.



